

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
SOUTHWESTERN DIVISION**

**UNITED STATES OF AMERICA,**

Plaintiff,

v.

**No. 19-5053-01-CR-SW-RK**

**DAVID ANTONIO HUGHES,**

Defendant.

**UNITED STATES' MOTION FOR PRETRIAL DETENTION**  
**PURSUANT TO 18 U.S.C. § 3142(e) and (f)**

The United States of America, through Timothy A. Garrison, United States Attorney for the Western District of Missouri, and by the undersigned Assistant United States Attorney requests pretrial detention pursuant to 18 U.S.C. §§ 3142 (e)(3)(E), (f)(1)(A), (f)(2)(A), and (f)(2)(B). This Court has set a pretrial detention hearing for October 10, 2019, and at this hearing, the evidence will demonstrate that no condition or combination of conditions of release will reasonably assure the defendant's appearance as required by the Court and the safety of other persons and the community.

**Supporting Suggestions**

1. 18 U.S.C. §§ 3142(f)(1)(A) provides that a hearing must be held by the appropriate judicial officer to determine whether any condition or combination of conditions will reasonably assure the defendant's appearance and the safety of any other person in the community if the attorney for the Government moves for such a hearing and if the case is one that involves an offense involving a minor or a crime of violence as defined in 18 U.S.C. §§ 3156(a)(4)(C), which includes the offenses of sexual exploitation in violation of 18 U.S.C. § 2251(a), and coercion

and enticement of a minor in violation of 18 U.S.C. § 2422(b).

2. The statute recognizes two additional situations which allow for a detention hearing and which can be raised either by the attorney for the Government or by a judicial officer. These conditions are:
  - a. When there is a serious risk that the defendant will flee; or,
  - b. When there is a serious risk that the person will "obstruct or attempt to obstruct justice, or threaten, injure, or intimidate, or attempt to threaten, injure, or intimidate, a prospective witness or juror." 18 U.S.C. § 3142(f)(2)(A) and (B).
3. One or more grounds for pretrial detention and a pretrial detention hearing as set forth by the statute exists in the above cause, to wit: this matter involves the sexual exploitation of a minor and coercion and enticement of a minor. Further, there is a serious risk that the defendant's release will present a substantial risk to the community.
4. The crimes alleged in the Indictment require the Court to consider a rebuttable presumption that no condition or combination of conditions set forth in 18 U.S.C. § 3142(c) will reasonably assure the appearance of the defendant as required and the safety of other persons and the community. 18 U.S.C. § 3142(e)(3)(E).
5. Moreover, the nature and circumstances of the charged offenses, the weight of the evidence, the defendant's history and characteristics, and the nature and seriousness of the danger to any person or the community that would be posed by the defendant's release, each demonstrate that there is no condition or combination of conditions set forth in 18 U.S.C. § 3142(c) that will reasonably assure the appearance of the defendant as required and the safety of other persons and the community.
6. The Government is aware of the following evidence:
  - a. In relation to the nature and circumstances of the offenses charged, on July 17, 2017, 15-

year-old Jane Doe 1's mother took Jane Doe 1's iPod Touch and was able to review her KIK messages. Jane Doe 1's mother turned the device in to Special Agent (SA) Alyson Samuels with the Jacksonville, Florida, Federal Bureau of Investigation (FBI) Daytona Beach Resident Agency (RA). FBI's forensic examination of Jane Doe 1's iPod Touch located messages within the KIK application, and one set of messages was with a user identified as "metaldavehughes." These conversations took place between July 20, 2017, and July 26, 2017. A KIK subpoena returned identified that "metaldavehughes" utilized email address "fearnodeath@live.com." The return also included Internet Protocol (IP) connection logs. Based upon subscriber information for the IP address, the subscriber was identified as the defendant who was residing in Neosho, Missouri. Based upon this information the lead was sent to the FBI's Joplin RA. On February 16, 2018, FBI TFO Charles Root reviewed the forensic examination of Jane Doe 1's iPod Touch. Below is the excerpt of conversations between Jane Doe 1 and Hughes.

Hughes: Where are at  
Hughes: [file]  
Jane Doe 1: Florida  
Jane Doe 1: You  
Hughes: Same why do you need someone to get you?  
Jane Doe 1: Cause I don't like it at my house  
Hughes: You trying to crash?  
Jane Doe 1: I'm trying to get away from my parents  
Hughes: Yea that's what I mean you need a place to live  
Jane Doe 1: Yea  
Hughes: Can you pay rent?  
Jane Doe 1: No not really  
Jane Doe 1: Guess my age  
Hughes: 17  
Jane Doe 1: No younger I'm 15  
Hughes: Oo well maybe you can pay in another way  
Jane Doe 1: Yea

Hughes: Maybe fuck me once or twice a week and Ill pay all your bills and give you your own room?  
Jane Doe 1: Deal  
Hughes: Can I see a couple pics of you to make sure its worth it ill send some to so you no if you like me or not  
[...]

After locating Hughes, on April 25, 2019, TFO Root and TFO Matt Smith made contact with Hughes at his residence. Post-Miranda Hughes stated he used email address “fearnodeath@live.com” and user name “metaldavehughes.” Hughes was shown a number of images sent between himself and Jane Doe 1, and Hughes confirmed those images had been exchanged. Hughes stated his cell phone, a Samsung Galaxy 8, also contained a video of Jane Doe 2 performing oral sex on him. Hughes identified the minor and stated she was 17 years old at the time the video was created. Hughes admitted he had last viewed the video the previous month (March 2019). On May 6, 2019, TFO James Smith completed a forensic examination of Hughes’ Samsung Galaxy S8+ cell phone. Three video files of Jane Doe 2 were located on the device. The videos depict Jane Doe 2 performing oral sex on Hughes. On July 9, 2019, TFO Root made contact with the Seneca, Missouri, Police Department Chief to get assistance in locating Jane Doe 2. TFO Root was eventually able to locate Jane Doe 2’s father, and on July 10, 2019, TFO Root made contact with Jane Doe 2. Jane Doe 2 stated she met Hughes when was 16 years old and she was a junior in high school. Jane Doe 2 was not positive, but she believed she met Hughes through the Internet. Jane Doe 2 explained that she and Hughes dated on and off for about five months. They began dating in 2015 and ended the relationship in July 2015. Jane Doe 2 stated that the two engaged in sexual conduct. Jane Doe 2 identified herself as the female in the videos

through screen shots TFO Root provided her. Jane Doe 2 stated she had also sent nude images to Hughes while they were dating.

**WHEREFORE**, the United States requests a pretrial detention hearing and that Defendant be detained pending trial.

Respectfully submitted,

Timothy A. Garrison  
United States Attorney

By /s/ Ami Harshad Miller  
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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing was delivered on October 9, 2019, to the CM-ECF system of the United States District Court for the Western District of Missouri for electronic delivery to all counsel of record.

/s/ Ami Harshad Miller  
Ami Harshad Miller  
Assistant United States Attorney